

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Nicholas Omar Tucker, # 12345-171,)	C/A No.:8:08-cv-70023
)	C/A No.: 8:05-cr-32-1-GRA
Petitioner,)	
)	
v.)	ORDER
)	(Written Opinion)
United States of America,)	
)	
Respondent.)	
_____)	

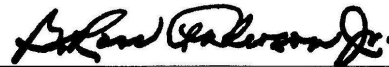
This matter comes before the Court on the petitioner's motion to compel the respondent to submit a reply brief, filed on June 4, 2008. Petitioner brings this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *See Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *See Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

On April 8, 2008, this Court ordered the respondent to file a response to a single issue presented in the petitioner's 28 U.S.C. § 2255 petition. The Court ordered the respondent to reply within thirty days of the entry of the April 8 Order or, if transcripts were needed, within thirty days of the receipt of the transcripts. Petitioner argues that since thirty days have passed this Court should order the respondent to file a reply immediately.

Respondent ordered transcripts on May 16, 2008. The clerks office emailed them to the respondent on June 9, 2008. Under the terms of this Court's April 8 Order, the respondent has until July 9, 2008 to file its reply—thirty days after it received the transcripts. Therefore, the Court denies the petitioner's motion.

IT IS THEREFORE SO ORDERED THAT the petitioner's motion be DENIED.

IT IS SO ORDERED.



G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

June 12, 2008
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

Pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure, Petitioner has the right to appeal this Order sixty (60) days from the date of its entry. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, **will waive the right to appeal.**